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1948

Public (1948) Department.

(Separation)

MS SERIES.

p.29/E

G.O. No. 5515

Dated 29-12-1948

[Despatch Abstract.]

GOVERNMENT OF MADRAS.
PUBLIC (SEPARATATION) DEPARTMENT.
Memorandum No. 981-48-1, dated the 6th August 1948.

Sub: Separation of the Judiciary from the Executive-Replacement of Honorary Magistrates' Courts.

Collectors of Districts are requested to furnish the information and statistics as specified in Annexures I and II hereto, in respect of each court of Honorary Bench Magistrate and Honorary Special Magistrates sitting singly in their respective jurisdiction. The replies should reach the Government on or before the 31st August 1948.

They are also requested to give details of proposals for the constitution of new Bench Courts of the appointment of more special Magistrates, if any, are pending or are contemplated with full facts and figures.

P.V. BALAKRISHNA IYER,
Secretary to Government in charge of Separation.

To All Collectors, Bellary.

/True Copy/

Sd/-x x x x x x
Superintendent.

SP/1.12.

ANNEXURE -I.

INFORMATION REQUIRED ABOUT COURTS OF HONORARY MAGISTRATES SITTING SINGLY AND HONORARY BENCH MAGISTRAT

- - -

1. Centres in which the Courts function.

2. How many Benches sit at each centre and of what class they are viz. I, II or III class?

3. How many Special Magistrates are there (Honorary) of each class sitting singly?

4. How many hour a week on an average do they devote for the work (Separately for each category)

5. What Classes and types of cases are made over to --

   (i) Honorary Magistrates sitting singly;

   (ii) Bench Magistrates?

6. Whether the work they do can be assigned to the existing stipendiary magistrates: if know, how many full time salaried officers-and of what class-would be required to replace them at each centre?

   NOTE: (i) It should be examined whether it would be possible to enable the existing stipendiary magistrates to take over the work of the corresponding Honorary Magistrates by a slight redistribution of jurisdiction.

   (ii) Attention is drawn to to Government Memorandum No. 183/47-7, d/23.3.48 containing the proposed jurisdiction for the magistrates after the introduction of the scheme: the words "existing magistrates" used above refer to those with the proposed jurisdiction.

7. In what buildings do the Honorary Special Magistrates and Benches hold court now?

   (If a rented building is being used, the rent paid should be specified).

8. What establishment do they have?

   (It should be explained whether the clerks, ttenders and peons are employed full time on the work or whether they are loaned from time to time from other offices; in the latter case, whether they are given other work at other times.)

Whether respectable and substantial persons possessing a fair degree of education are readily available in the locality for appointment as Honorary Magistrates?

(Give also the qualifications and status of the existing personnel

A-nnexu

Statistics of work done by Benches and Honorary Magistrates

A. Bench Courts.

Station.	Class of Powers	Number of cases disposed of.				Number of witnesses examined.			
		1945	1946	1947	Average	1945	1946	1947	Av
Bellary	I Class	4393	3869	2838	3700	78	175	24	93
	X From June 1946- Unne 48 the court ceased to be first class Bench Court and functioned only as a III Class Bench presided over by a III Class- Vice President.No Honorary Magistrates with I class powers was appointed for the Bench then. This accounts for only the cases of minor denomination being tried during that period. Morever the III Class Bench did not function regularly for want of continuous jurisdiction. Hence the Number of cases during this period i.e. June 1946- to 1948 is in decrease.								
Adoni	III Class	646	565	1015	782	42	38	44	41
Hospet	III Class	370	412	472	418	----Nil			----
Kamalapur	III Class	210	250	272	244	-----Nil			-----
Rayadurg	III Class	152	156	60	123	-	4		-
Kottur	III Class	141	99	20	86	----------			
Narazandevarkôri	III Class	42	-	-	14	Nil			

TRUE CO

MG

.n the District of Bellary.

B. Honorary Special Magistrate's Courts.

Station	Class of Powers	Number of cases disposed of				Number of witnesses examined.				Remarks
		1945	1946	1947	Average	1945	1946	1947	Av.	
Bellary	I Class	X								X
		This court was first instituted in the middle of August '47 and worked till 18-11-47 when it ceased to function owing to sudden withdrawal of its establishment. It was reconstituted from about the end of Feb. '48 till 30-6-48 and has been extended till the end of the current year. Thus it worked in instalment for want of equipment and establisment								Total no. of cases disposed of:207
	Nil									
	Nil									
	Nil									75 (Total no of witnesses examined
	Nil									

Sd.
For District Magistrate.

R. Thiagarajan
Office Assistant,
Madras Record Office
1/7/55

Public (Separation) Department

Memorandum No. 981/48-4 dated 23rd November 1948.

SUB:-- Separation of the Judiciary from the Executive-Honorary Magistrates-Bellary district-Replacement of

REF:-- From the Collector of Bellary D.Dis 3542/48 dated 17-11-1943.

From the statements received from the District Magistrate, it is seen that Bench Courts with 3rd class powers are functioning at Hr Narayandevakeri and Rayadrug centres. Statistics of cases tried and witnesses examined in respect of the former and the particulars called for in annexure I to Government Memorandum 981/48-1 dated 6.8.1948 relating to the latter, are not given by the District Magistrate. He is requested to furnish the information in respect of both the courts. The reply should be sent before 30-11-1948.

Sd/-x x x x
23.11.1948.

To
The District Magistrate, Bellary.

GOVERNMENT OF MADRAS.
PUBLIC (SEPARATION) DEPARTMENT

Memorandum No. 981/48-6 Dated 24th November 1948.

SUB:-- Separation of the Judiciary from the executive-Replacement of Honorary Magistrates.

The District Magistrate of Bellary is requested to furnish immediately information on the following:--

1. The strength of establishment, ministerial as well as inferior all allowed to each of the Bench Courts in the District, and the courts of Honorary Special Magistrates, sitting singly.

2. The time scale of pay in respect of each member of the establishment, both superior andinferior.

3. The dearness allowance and house rent all being drawn by each member of the staff, both superior and inferior.

4. The expenditure if any incurred by way of rent for accommodation of the Bench Courts.

Note:-- Where part time staff is utilised by the Bench Courts, the exact remuneration to such staff should also be given.

The particulars called for should be furnished before 30.11.48

To The District Magistrate.

Sd/ S. RAMAKRISHNA
Assistant Secretary / Ayyar,
to Government.

/True Copy/

Sd/-x x x x
Superintendent.

SP/1.12.

Revenue Department

From
T.N. Ananteraman Esq., I.C.S.,
District Magistrate,
BELLARY.

To
The & Assistant Secretary
to the Government of Mad

- -

D.Dis.5402/48 B.7. Magl. dated 16.12.1948.

Sir,

SUB: Separation of the Judiciary from the executive-Honorary Magistrates-Bellary District-Replacement of - Report.

REF: Your memo 981/48-4 (Separation Department) D/27.11.1948.

-oOo-

The following are the statistics of the cases tried and disposed of by the Bench Court at (I) Narayanadevarakeri for the year 1945, 1946 and 1947.

Year	No. of cases tried and disposed of.	No. of witnesses examined
1945		Nil.
1946	Nil cases for trial or disposal	
1947		

II. Rayadrug Centre:

Station	Class of powers.	No. of cases disposed of. 1945-1946	1947	No. of witnesses.
Rayadrug	III Class	151-156	[illegible]	[illegible].

Number of witnesses examined. 1945-1946	1947 Average.
	One.

Annexure I to Government Memo 981-48-1 dated [illegible].

1.	Centres in which the Court functions:	Rayadrug.
2.	How many benches sit at each centre and what class they are.,	only one bench sits. The full compliments of the Court is five members besides the Stationery Sub Magistrate who presides.

At present there are only 3 bench Magistrates with 3rd Class powers presided over by the Stationery Sub Magistrate, Rayadrug.

3.	How many Special Magistrates are there (Honorary) of each class sitting singly.	None.
4.	How many hours a week on an average do they note for the work separately for each category.	The bench sits on alternate Mondays from 2 P.M. to 5 P.M.
5.	What classes and types of cases are made over to.	Cases enumerated in section 60 of Criminal Procedure Code including those set out in rule 129 of the Criminal rules of practice.
6.	Whether the work they do can be assigned to the existing stipendiary Magistrates. If not how many full time salaried officers and of what class will be required to release them at each centre?	There are for disposal only 120 cases on the average for year. These cases take time they are to be disposed of in regular procedure by Stipendiary Magistrate. If they are invested with powers for summary trial

	what the work can be managed by the existing stipendary Magistrates.
NOTE I. If it should be examined whether it would be possible to enclose the existing Stationary Sub Magistrate to take over the work of the correspondence Honorary Magistrate by slight redistribution of Jurisdiction.	The correspondence at present is being carried on by the Stationary Sub Magistrate.
Note II. Attention is drawn to the Government Memo No. 183/47 dated 23-3-1948 containing the proposed jurisdiction for Magistrate after the introduction of the scheme. The words existing Magistrates used above refer to those with the proposed jurisdiction.	Not alteration necessary.
7. In what building is the Honorary Specia Magistrate and Bench Magistrate hold court now.	In the Stationery Sub Magistrate's Court hall.
8. What establishment do they have it should be explained whether the clerks attenders and peons are employed full time whether they are learned from time to time from others officers. In the latter case whether they are given other work at other time.	The staff of the Stationary Sub Magistrate Rayadrug attends to this work, in usual course of their duties.
Whether respectable and substantial persons possessing a degree of education are readily available inthe locality for appointment as Honorary Magistrates. (give also the qualification and status of the existing personnel.)	Videsep Vide separate sheet.
10. Whether the working of Honorary Magistrates has been sufficiently efficient and satisfactory so as to justify their continuance.	The Stationery Sub Magistra has been the president. The present Honorary Magistrate have been working efficient

(Note: the answers should be specifie in respect of each centre and not general)

The names and the status of the personal of the Honorary Bench Court, Rayadrug

---

1. Sri M.V. Laxmipathi B.A., — A leading merchant and an influential gentleman of the town. He is a graduate of the Madras University.

2. Palegar Konati Naik. — A merchant and land lord. Belongs to a responsible family: He is a politica prisoner-pays L.R. of Rs. 100/- knows read and write Telugu.

3. Mulla Babba Saheb. — A businessman of Rayadrug. Comes from a respectable family. He knows to read and write Telugu.

Sd/-x x x x x x x
for District Magistrate.

SP/1.12.

20/1/53

Public (Separation) Department.

Sub: - Separation of the Judiciary from the Executive - Honorary Magistrates - Bellary district - Replacement of.

Ref:- Government Memo 981/48-1 dated 6-8-48.
-do- 981/48-2 dated 22-9-48.
-do- 981/48-3 dated 19-10-48.
-do- 961/48-5 dated 10-11-48.
From the Collector of Bellary L.Dis.3542/48 dated 17-11-48.

Please see the letter from the District Magistrate furnishing the information and statistics called for in the first of the references cited above. From the statements received from the District Magistrate, it is seen that Bench Courts with third class powers are functioning at Narayandevakeri and Rayadrug. Statistics of cases tried and witnessed examined in respect of the former and particulars called for in the annexure to this Department's memo 981/48-1 dated 6-8-48 relating to the latter are not given by the District Magistrate. He may be requested to furnish the information necessary in respect of both the Courts immediately. A draft memo is submitted for approval.

Sd/- xxxxxxx,
23-11-48.

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[Issued as Memo 981/48-4 dated 23-11-48]

The Collector has not yet replied so far. He may be reminded . A draft memo is submitted for approval.

Send a D.O.

Sd/-xxxxxxxx,
6-12-48.

A draft d.o. is submitted for approval.

Sd/-xxxxxxxx,
6-12-48.

[Issued as D.O.981/48-6 dated 6-12-48.]

The District Magistrate Bellary has not submitted his report yet. For orders whether he may be reminded by a Telegram. A draft is submitted for approval.

Wait till 20-12-48.

Sd/-xxxxxxxx,
15-12-48.

/ From the District Magistrate of Bellary letter D.Dis 5402/48 E 3 dated 16-12-1948 /

Please see the letter from the District Magistrate on pages 53-54 c.f. He has now furnished the full information and statistics called for in the Government Memo No.981/48-1 dated 6-8-48.

Benches of Honorary Magistrates in this District are seven in number and the centres where they function the class of powers they exercise, and the number of hours they devote to Bench work in a week are as under: -

1. Bellary	One 1st class Bench Court		9 hours.
2. Adoni ...	One 2nd	-do-	5 hours.
3. Hospet ...	One 3rd	-do-	5 hours.
4. Kamalapur ...	One 3rd	-do-	5 hours.
5. Rayadrug ...		-do-	One hour.
6. Kottur ...		-do-	1½ hours.
7. Narayandevankari		-do-	4 hours.

There is only one Honorary special magistrate sitting singly in this district. He is at Bellary and exercises 1st class powers.

The present 1st class Bench Court at Bellary functioned only with 3rd class powers for two years from June 1946 to June 1948 as the cases tried then at that centre were of a petty nature. But after June 1948, the Court was invested with 1st class powers. The Court of the Honorary Special 1st Class Magistrate at Bellary was constituted in the middle of August 1947, and worked only for three months till 18-11-47 when it ceased to function. Again, it was reconstituted in February 1948 and is still continuing to function. The cases that generally come up for trial before the Bench Courts are those under the District Municipalities Act, Town Nuisance Act, Gaming Act, Public Health Act besides all cases enumerated in section 23[illegible] Cr.P.C. including those set out in rule 129 of the C.R.R., [illegible] offences triable under sections 161 and 29C I.P.C. The Honorary Special Magistrate sitting singly at Bellary deals with all cases triable by a magistrate of the 1st class including those cases under Ration and Food grains.

All the Bench Courts except the Bench Courts at Kottur and Narayandevarkeri are housed in Government buildings. The Bench Courts at Kottur and Narayandevarkeri are held in the Courts.

~~the~~ village chavadi. The Collector reports that there are no separate buildings for the Bench Courts at Hospet and Kamalapur. These Bench Courts have a staff as detailed in column 8 on page 21 c.f. and as A on 34 c.f. The Collector reports that responsible and substantial persons with a fair degree of education are readily available for appointment as Bench Magistrates. He has furnished the status and qualifications of the existing personal manning these posts and adds that the work of all the Honorary Magistrates except at Narayandevarkeri has been sufficiently efficient as to justify their continuance. There are no proposals either for the constitution of new Bench Courts or for appointment of more Honorary Special Magistrates.

The Collector reports that in the event of the replacement of the honorary agencies by stipendiary system one additional stipendiary second class magistrate in each of the centres at Bellary, Adoni, Hospet, and Narayandevarkeri will be necessary. He considers that the Bench work at Kottur and Rayadrug and the work of the honorary special 1st class magistrate at Bellary can be taken over by the corresponding stationary sub magistrat at Kottur and Rayadrug and the Sub Livisional Magistrate at Bellary respectively.

Working in all about 30½ hours in a week these Bench Courts have on an average disposed of 5327 cases and examined 134 witnesses. An examination of the statistics furnished by the Collector reveals that the volume of work in all the centres except Bellary is comparatively very little. The Collector's estimate of three additional second class stipendiary magistrates does not appear to be justified by the statistics.

If the honorary agencies are to be abolished there may be need for one stipendiary second class magistrate for the district. The 1st class Bench Court at Bellary working nine hours in the week has disposed of 3730 cases and examined 92 witnesses. The file of the existing Stationary Sub Magistrate at Bellary is heavy and he may not be able to take over the Bench work at this centre. Hence a second class magistrate is necessary at

Contd.

~~tis~~ this centre . The Bench work in the other centres is meagre and can be assigned to the corresponding second class magistrates of whom there will be seven under the new set up.

If the honorary agencies are to continue, the Bench Courts at Bellary and Hospet * may be retained with second class powers and the other Bench Courts as also the Special Magistrates may be abolished as unnecessary.

Home may see for remarks.

eing in the vicinity f Tungabadra Project Area, one Bench is necessary at this place.

Sd/-xxxxxx x,
21-12-48.

*****

Home Department.

Please see the notes of Public (Separation) Department on page 2-4 above regarding the replacement of the honorary magistrates by stipendiary magistrates in the district of Bellary. This department may agree the views at A & B above, and the file may be returned to Public (Separation) Department.

Sd/-xxxxxxxx,
25-12-48.

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Public (Separation) Department.

Please see the notes of Home above. Home have agreed to the proposals of this department. This may lie over.

Sd/-xxxxxxx,
29-12-48.

Public (Separation) Department.

In pursuance of the decision of the Cabinet Committee at its meeting on 3-8-1948, namely, that the question of retention of the Honorary Agencies or the substitution thereof by the Stipendiary system be examined, Collectors of districts and the Chief Presidency Magistrate were asked to furnish statistical and other particulars in respect of the Honorary Agencies. Reports from these respective officers were received and proposals for

Contd.

for each district were framed after scrutiny and examination of the statistics and the information furnished by these officers. The proposals were agreed to by the Home and were ready for consideration by the Cabinet Committee.

In another file, the Hon'ble Ministers of the Cabinet Committee have minuted that no final decisions have been taken on the main scheme and that the Cabinet Committee may be wound up. As no final orders have been passed on the main scheme and as the proposals connected with the Honorary Agencies are framed with reference to the main scheme of Separation of the Judiciary from the Executive, no further action is necessary in this file. The papers may therefore be recorded in a miscellaneous G.O. for future reference.

Sd/.xxxxxxxx,
29-12-48.

G.O.Ms.No.3315 dated 29-12-48.

Subject:- Separation of the Judiciary from the Executive - Bellary district - Honorary Magistrates - Replacement of - Proposals - Papers recorded.

(True copy)

NG.1.

From
K.N. Anantararan Esq., I.C.S.,
Collector Bellary.

To
The Asst. Secretary (Separation Department) Government of Madras.

D.Dis 5408/48 E.3. dated 9-1-48.

Sir,

Sub: Separation of the Judiciary from the Executive - Replacement of Honorary Magistrates - Information - furnished.

Ref: Your Memo 981/48-3 dated 24-11-48.

The consolidated statement of Particulars called for in the reference cited above are furnished in the enclosed form.

Sd/-xxxxxxxxxx,
for District Magistrate.

Public (Military) Department.

The 'scheme of separation' is not being proceeded with. The statement of particulars said to have been furnished has not been received with this letter. The Collector of Bellary may be informed accordingly and asked to furnish the statement for reference at the time when the scheme is taken up for consideration again . A draft memo on page 2 infra is submitted for approval.

Sd/-xxxxxxxx,
21-1-49.

PUBLIC (MILITARY) DEPARTMENT.

Memo.No.182/49-1 dated 21-1-49.

Sub: Separation of the Judiciary from the Executive- Replacement of Honorary Magistrates - Information.

Ref: From the Collector of Bellary, letter No.5408/48-E.3., dated 9-1-1949.

The Collector of Bellary is informed that the Statement of particulars said to have been enclosed with his reference cited has not been received. A copy of the statement may therefore, be furnished at an early date.

Sd/-xxxxxxx,
25-1-49.

To

The Collector of Bellary.

From

Sri A. Suryarao Naidu, B.A.,
Dist. Magistrate-in-charge, Bellary.

To

The Asst. Secretary to Govt.
of Madras, Madras.

D.Dis. No. 5408/48.E.3., dated 27.1.1949.

Sir,

Sub: Separation of the Judiciary from the Executive
Replacement of Honorary Magistrates- Copy of
particulars - Furnished.
Ref: Your No. 182/49.1. dated 21-1-1949.

The particulars required were furnished in this office D.Dis No. 5408/48.E.3., dated 9.1.1949. However. a copy of the same is enclosed.

Sd.
Dist. Magistrate-in-charge.

True Copy

Pub (Sepn)
d/29-12-49.

Pub (Mily)Dept.
May be filed with G.O. No.3315.

True Copy

Compared

Copy of D.Dis 5408/48 E3 dated 27-1-49.
Separation of Judiciary form the Executive- Replacement of Honorary Magistrate

Names of the Division.	The strength of Estt. ministerial as well as inferior allowed to each of the Bench courts in the Dt. and the courts of of Honry. Spl. Magsts. sitting singly.	The time scale of pay in respect of each number of the E.S.H both superior or and inferior.	The D.A. and drawn by each number of the staff both superior and inferior.
1	2	3	4
1.S.D.M. HOSPET (Hospet Division)	No establishment either ministerial or inferior is sanctioned to any of the bench courts at Hospet, Kampli, Kamalapur N.D. Keri, and Kottur. Also there are no such courts with Honry. Spl. Magistrates sitting singly. But the S.M. Hospet is the presiding Magistrate for B.C. at .P.T. and Kamalapur- ne bench clerk is anctioned to look fter the work of the .C.S. of Hospet nd Kamalapur and he s attached to the court of the S.S.M. Hospet.	The time scale of the said bench clerk is 24-1-32. No more establis-ment, either superior or inferior is attached to any other Bench clerk in the Division.	The D.A. sa to the Benc attached to Magistrates Hospet is R and no hous allowance i to him.
2. S.D.M. Adoni (Adoni Division)	The only bench court in the Division at Adoni consists of 5 bench Magistrates including the presiding bench Magistrates which does not sit singly. The strength of ministerial and inferior estt. is one clerk and one peon respectively.	The time scale of pay for the clerk is 20-1-35 and for the peon it is 11-1-24	The D.A. pai per month f and the peo
3. S.T.D.Bellary (Bellary Division) Bench Court Bellary.	1. One L.D.C. 1. One Bench Clerk 1. One Peon 1. One Sweeper peon (appointment to ~~the~~ be renewed every year.)	45-3-60-2-90 24-1-32½-35 16-½-24 Rs10/- fixed.	D-A- Rs. 24 Rs. 19 Rs. 18 Rs. 18
Bench Court Rayadurg.	Nil	Nil	
Honry.Spl.IClass Magistrate Bellary Railway. Sitting singly.	One L.D. Clerk One Peon.	45-3-60-2-90	Rs22 Rs18

penditure if y incurred way of rent r accommoda- lon of the nch courts.	REMARKS.
5	6
o such Expenditure as been incurred.	The bench court ~~as at~~ Kampli and N.D. Kari have appointed part time staff. that is a clerk ~~xxxx x xx~~ Rs.4/- and 5 P,M. respectively. But the ~~proridents~~ presidents concerned are unable to quote the uthority sanctioning uch part time staff.
No Expenditure is incurred for accommodating the Bench Court and no part time staff is entertained.	Nil
Nil (As the bench court is located in a portion of Collector's office buildings.)	Nil
	Nil
The S.S.M. Royadurg is the presiding B.M and no spl E.S.~~tc~~ is sanctione	Nil
Nil (As the court is located in the portion of Collector's office Building)	

Sd/-(A. Surya Rao)
for District Magistrate